

## REMARKS

Claims 1-21 are pending in the application and stand rejected. The Examiner is sincerely thanked for discussing the application with the undersigned on November 2, 2006.

### **Rejection of Claims 1-4, 12-13 and 21 Under 35 U.S.C. 103(a) As Being Unpatentable Over Franklin and Lapsley and Further In View of Benton**

#### **Claim 1**

Claim 1 recites, in pertinent part, storing a seller account number and account data on a seller system and generating a set of sample data from the data previously stored on the seller system.

For example, referring, *e.g.*, to FIGS. 1 and 2A, page 2, line 35 to page 3, line 1, and page 4, lines 1-2, an administrator system 26 creates multiple sets of unique account data (UAD) that are sent to buyer and seller systems 22 and 24 before a transaction occurs between a buyer and seller. One set of UAD is sent to the buyer system 22 and another set of UAD is sent to the seller system 24. Application programs located on the buyer and seller system 22 and 24 take a sample of the respective UADs.

In contrast, Franklin fails to teach or suggest storing a seller account number and account data on a seller system and generating a set of sample data from the data previously stored on the seller system. Franklin, at, *e.g.*, col. 2, lines 1-46, teaches a system and method for facilitating online commerce over a public network using an online commerce card. The "card" of this system does not exist in physical form, but instead exists in a digital form that can be electronically realized for online commerce. The online commerce card is issued electronically to a customer (buyer system) by an issuing institution, such as a bank or third party certifying authority. The issued card is assigned a permanent customer account number that is maintained on behalf of the customer by the issuing institution. The N-digit customer account number includes digits for a prefix number for bank-handling information, digits for a customer identification number, digits reserved for an embedded code number, and a digit for a check sum. The customer account number and a private key unique to the customer are

issued to the customer. The issuing bank also supplies a software module used to create the embedded code number for each online commerce transaction.

When the customer desires to conduct an online transaction, the customer invokes the software module and enters a "weak" password, PIN (personal identification number), or pass phrase to obtain access to the module. If the password is proper, the customer computer retrieves the private key and customer account number from storage. The customer computer then generates a code number as a function of the private key, customer-specific data and transaction-specific data. The customer computer embeds the code number in the digits reserved in the customer account number to effectively create a temporary transaction number that is specific to one transaction. The customer submits that transaction number to a merchant (seller system) as a proxy for the customer account number during the transaction. The merchant handles the proxy transaction number according to traditional protocols, including seeking authorization from the issuing institution to honor the card number.

In no manner, however, does Franklin teach or suggest that a seller account number and account data are stored by the merchant (a fact acknowledged by the Examiner) or that a set of sample data is generated from data previously stored by the merchant. The Examiner cites col. 2, lines 47-60 of Franklin as teaching generating a set of sample data from data previously stored on the seller system, a proposition that the Applicant's attorney respectfully submits is logically impossible in view of the Examiner's admission that Franklin fails to teach storing a seller account number and account data on a seller system. Moreover, this portion of Franklin instead teaches that during the authorization phase, the merchant submits an authorization request containing the transaction number and the transaction-specific data (which, as discussed above, is stored on and/or generated by solely the customer (buyer) system) to the issuing institution for approval. The issuing institution recognizes the number as a proxy transaction number for an online commerce card. The issuing institution uses the customer identification number contained within the transaction number to index the customer account record and lookup the associated private key and customer-specific data. The issuing institution then computes its own test code number using the same function utilized by the customer computer and the same input parameters (i.e., the private key, the customer-specific data from the account record, and the transaction-specific data received in the authorization request).

In other words, and as discussed with the Examiner by telephone, Franklin fails to teach or suggest storing a seller account number and account data on a seller system and, thus, cannot reasonably be said to teach or suggest generating a set of sample data from data previously stored on the seller system, as is required by claim 1.

Likewise, Lapsley fails to teach or suggest (nor does the Examiner allege that Lapsley teaches or suggests) storing a seller account number and account data on a seller system and generating a set of sample data from the data previously stored on the seller system. In addition, none of the other references cited by the Examiner teaches or suggests (nor does the Examiner allege that such references teach or suggest) storing a seller account number and account data on a seller system and generating a set of sample data from the data previously stored on the seller system.

While the Benton reference arguably teaches storing a seller account number and account data on a seller system in the form of a card/key on which may be stored seller account numbers and identification data, in no manner does Benton teach or suggest generating a set of sample data from this seller data.

Accordingly, Franklin, Lapsley and Benton, taken each alone or in combination, fail to teach or suggest the combination recited in claim 1. Additionally, the Applicant's attorney respectfully submits that combining no fewer than three references seriously undermines the contention that the claimed invention is obvious. Moreover, none of these references teach or suggest any motivation for combining the cited references in the manner employed by the Examiner.

#### **Claims 12 and 21**

Claims 12 and 21 are patentable for reasons similar to those discussed above with reference to claim 1. Moreover, none of the cited references in any manner teaches or suggests, for example, providing to a seller system a set of computer-executable instructions enabling the seller system to generate a set of sample data from account data storable on the seller system as recited in claim 21.

**Claims 2-4 and 13**

Claims 2-4 and 13 are patentable by virtue of their respective dependencies from claims 1 and 12.

**Rejection of Claims 5-9 and 14-18 Under 35 U.S.C. 103(a) As Being Unpatentable Over Franklin and Lapsley and Benton and Further In View of Bush**

Bush fails to supply the limitations missing from Franklin, Lapsley and Benton, namely storing a seller account number and account data on a seller system and generating a set of sample data from the data previously stored on the seller system. Moreover, the Applicant's attorney respectfully submits that combining no fewer than four references seriously undermines the contention that the claimed invention is obvious. Consequently, Franklin, Lapsley, Benton and Bush, taken each alone or in combination, fail to teach or suggest the combination recited in claims 1 and 12. As such, claims 5-9 and 14-18 are patentable by virtue of their respective dependencies from claims 1 and 12.

**Rejection of Claims 10-11 and 19-20 Under 35 U.S.C. 103(a) As Being Unpatentable Over Franklin and Lapsley and Benton and Bush and Further In View of Appleton**

Appleton fails to supply the limitations missing from Franklin, Lapsley, Benton and Bush, namely storing a seller account number and account data on a seller system and generating a set of sample data from the data previously stored on the seller system. Moreover, the Applicant's attorney respectfully submits that combining no fewer than five references seriously undermines the contention that the claimed invention is obvious. Consequently, Franklin, Lapsley, Benton, Bush and Appleton, taken each alone or in combination, fail to teach or suggest the combination recited in claims 1 and 12. As such, claims 10-11 and 19-20 are patentable by virtue of their respective dependencies from claims 1 and 12.

### Conclusion

In view of the preceding, all pending claims stand in condition for allowance, and a Notice of Allowance for same is respectfully requested. **If the Examiner disagrees with the Applicant's positions as stated in this paper, the Examiner is respectfully requested to contact the undersigned to arrange a telephone conference prior to issuing an Office action rejecting any of the pending claims.**

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', with a long horizontal flourish extending to the right.

P.G. Scott Born

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